

## HOUSE JOINT RESOLUTION NO. 39

INTRODUCED BY J. SHOCKLEY

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A LEGISLATIVE INTERIM STUDY OF CRIMINAL OFFENSES, OFFENSE SENTENCING AND RELEASE, AND RELATED ISSUES.

WHEREAS, the Law, Justice, and Indian Affairs Interim Committee began a sentencing study in fulfillment of Senate Joint Resolution No. 14 (1999) but was not able to fulfill all of the necessary elements of the study; and

WHEREAS, numerous pieces of legislation have been introduced and are being considered this legislative session that deal with criminal justice and corrections issues that affect the sentencing statutes, such as new criminal offenses, changes in the length of sentences, and changes in criminal procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) review current criminal sentencing and criminal procedure statutes in Titles 45 and 46 and statutes in other titles of the Montana Code Annotated that contain criminal sentences and determine the extent to which the sentence ranges and penalties conform to Article II, section 28, of the Montana Constitution, the correctional and sentencing policy in section 46-18-101, MCA, and the crime seriousness ranking;

(2) review and update the sentencing tools and the crime seriousness ranking adopted by the Law, Justice, and Indian Affairs Interim Committee in 2000;

(3) compare the criminal statutes with the crime seriousness ranking to determine how closely the statutes reflect the ranking and recommend changes as necessary;

(4) build on the progress accomplished by the Correctional Standards and Oversight Committee during the 1997-98 interim, which culminated in revisions to Title 46, chapter 18, in Chapter 52, Laws of 1999, based on an analysis that sought to streamline the criminal procedure statutes and to eliminate

1 redundancies and conflicts;

2 (5) analyze THE OFFENSES AND the different types of sentences in statute and the legislative action  
3 on those statutes over the past 10 years. Statutory issues that require review are: a determination if  
4 ~~obsolete, OR INCONSISTENT, OR UNCONSTITUTIONAL OFFENSES, SENTENCES, OR RELATED MATERIAL PROCEDURES IN THE~~  
5 statutes exist, mandatory minimum sentences, truth in sentencing, two and three strikes, SENTENCES FOR  
6 VIOLATIONS OF 61-8-401 AND 61-8-406, the effects of the elimination of good time credits on inmate  
7 population, the use and effect of deferred sentences, the use and effect of sentences for offenses that  
8 must be committed multiple times to reach felony status, sentencing enhancements for use of certain  
9 weapons or ammunition or for persistent felony offenders, intermediate and alternative sanctions, and the  
10 effect on the correctional system of the commitment of certain offenders to the Department of  
11 Corrections. An analysis of sentence types may consider information on research in regard to the effects  
12 of different types of sentences on criminal justice and correctional resources.

13 (6) monitor the continued development and integration of databases containing criminal justice or  
14 juvenile justice information in the Department of Justice, the Department of Corrections, the Department  
15 of Public Health and Human Services, and the Judiciary, including issues of access and use of data and  
16 quality of data;

17 (7) develop recommendations for modification or enactment of sentencing and related statutes that  
18 are necessary or advisable to carry out a consistent, effective, humane, and rational correctional and  
19 sentencing policy that is within the available resources of the state AND THAT ARE NECESSARY OR ADVISABLE  
20 TO ADDRESS RECIDIVISM AND THE GROWTH OF THE POPULATIONS IN SECURE FACILITIES; and

21 (8) research and pursue grant opportunities for any of the committee's related activities in order  
22 to further the efficient operation of the criminal justice and correctional systems and for the education of  
23 the public on issues related to the costs and benefits of the systems.

24 BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be  
25 presented to and reviewed by an appropriate committee designated by the Legislative Council.

26 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
27 requirements, be concluded prior to September 15, 2002.

28 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
29 comments, or recommendations of the appropriate committee, be reported to the 58th Legislature.

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